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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES

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|----|--|---|--|
| 11 | <b>ANTELOPE VALLEY</b>                             | ) | Judicial Council Coordination Proceeding No. |
| 12 | <b>GROUNDWATER CASES</b>                           | ) | 4408   |
| 13 | Included Actions:                                  | ) |  |
| 14 | Los Angeles County Waterworks District No. 40      | ) | Santa Clara Case No. 1-05-CV-049053          |
| 15 | v. Diamond Farming Co.                             | ) | Assigned to The Honorable Jack Komar         |
| 16 | Superior Court of California                       | ) |  |
| 17 | County of Los Angeles, Case No. BC 325 201         | ) | <b>TEJON RANCHCORP'S CASE</b>                |
| 18 |  | ) | <b>MANAGEMENT STATEMENT</b>                  |
| 19 | Los Angeles County Waterworks District No. 40      | ) | Date: October 16, 2007                       |
| 20 | v. Diamond Farming Co.                             | ) | Time: 9:00 a.m.                              |
| 21 | Superior Court of California, County of Kern,      | ) | Department: 1                                |
| 22 | Case No. S-1500-CV-254-348                         | ) |  |
| 23 |  | ) |  |
| 24 | Wm. Bolthouse Farms, Inc. v. City of Lancaster     | ) |  |
| 25 | Diamond Farming Co. v. City of Lancaster           | ) |  |
| 26 | Diamond Farming Co. v. Palmdale Water Dist.        | ) |  |
| 27 | Superior Court of California, County of Riverside, | ) |  |
| 28 | consolidated actions, Case Nos.                    | ) |  |
| 29 | RIC 353 840, RIC 344 436, RIC 344 668              | ) |  |

30 Tejon Ranchcorp makes the following case management proposals:

31 **I. PHASE 2 TRIAL RE PRESCRIPTION – MAY-JUNE 2008.**

32 At the May 21, 2007 Case Management Conference, Tejon Ranchcorp proposed that the  
33 Phase 2 trial commence by the end of this year to adjudicate the key issue in this case – the purveyors'  
34 claims that they have established prescriptive rights. The Court declined to schedule this trial before  
35 resolution of class certification and notice issues, which are to be resolved at this Case Management  
36 Conference. The progress of the litigation and mediation efforts require that the case move forward

1 toward a resolution. Scheduling the Phase 2 trial in May-June 2008 gives the parties sufficient time to  
2 conduct discovery and prepare for trial.

3 The Court should exclude from the prescription trial only the landowners' affirmative  
4 defense of "Self Help" for three reasons:

5 (1) It would be a waste of time to present evidence regarding self help unless and until specific  
6 purveyors prevail and establish prescriptive rights for specified years against identified landowners.

7 (2) Given the enormous number of Antelope Valley landowners, proof of self help would be  
8 exceedingly time consuming. Excluding self help, we estimate a trial of approximately 15-20 days,  
9 consisting largely of expert testimony. Including self help could add months of percipient witness  
10 testimony to this trial.

11 (3) If the Court made findings of prescriptive rights, the parties may negotiate stipulations regarding  
12 self help.

## 13 II. ORDER RE JURISDICTION OVER TRANSFEREES.

14 Prior to the May 21, 2007 Case Management Conference, the Court asked us to brief the  
15 question of how best to obtain jurisdiction over transferees of Antelope Valley land so that the Court's  
16 judgment will be binding on them. In our brief dated May 11, 2007, we discussed these issues,  
17 including the inadvisability of relying on a lis pendens; and we recommended that the Court order the  
18 following:

19 "1. That landowner parties (individuals and class members) do the  
20 following:

21 (a) post notice of transfer on the Court website within 10 days  
22 after any transfer of their property, stating the name, address, and other  
23 contact information of the transferee; and

24 (b) notify their transferees of this litigation and provide them a  
25 copy of the public water suppliers' Cross-Complaint; and

26 2. That the public water suppliers promptly serve their Cross-  
27 Complaint on transferees, substituting the transferees as cross-defendants  
28 per CCP § 368.5."

At the May 21, 2007 Case Management Conference, the Court noted that no party had  
objected to or opposed these recommendations, but the Court deferred making any rulings on this  
subject. We propose that the Court issue the above order, subject to any further discussion and  
proposals the Court deems appropriate.

1 Dated: October 12, 2007

2 NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP  
3 FREDRIC A. FUDACZ  
4 HENRY S. WEINSTOCK

5 By: *Henry S. Weinstock*  
6 HENRY S. WEINSTOCK  
7 Attorneys for Tejon Ranchcorp  
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1 **PROOF OF SERVICE**

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3 The undersigned declares:

4 I am employed in the County of , State of California. I am over the age of 18 and am not a party  
5 to the within action; my business address is c/o Nossaman, Guthner, Knox & Elliott, LLP, 445 S.  
6 Figueroa Street, 31st Floor Los Angeles, California 90071-1602.

7 **On October 12, 2007, I served the foregoing TEJON RANCHCORP'S CASE  
8 MANAGEMENT STATEMENT on all interested parties:**

9 (X) (By U.S. Mail) On the same date, at my said place of business, said correspondence was sealed  
10 and placed for collection and mailing following the usual business practice of my said employer.  
11 I am readily familiar with my said employer's business practice for collection and processing of  
12 correspondence for mailing with the United States Postal Service, and, pursuant to that practice,  
13 the correspondence would be deposited with the United States Postal Service, with postage  
14 thereon fully prepaid, on the same date at Los Angeles, California, addressed to:

15  
16 Honorable Jack Komar  
17 Judge of the Superior Court of California  
18 County of Santa Clara  
19 191 North First Street, Department 17C  
20 San Jose, CA 95113

21 (X) (By E-Filing) I posted the document(s) listed above to the Santa Clara County Superior Court  
22 website in regard to the Antelope Valley Groundwater matter in compliance with the Court's  
23 electronic posting instructions and the Court's Clarification Order dated October 27, 2005.

24 ( ) (By Federal Express) I served a true and correct copy by Federal Express or other overnight  
25 delivery service, for delivery on the next business day. Each copy was enclosed in an envelope  
26 or package designated by the express service carrier; deposited in a facility regularly maintained  
27 by the express service carrier or delivered to a courier or driver authorized to receive documents  
28 on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying  
service list.

Executed on **October 12, 2007** at Los Angeles, California.

(X) (STATE) I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

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Mitchi Shibata